



The Silent Crisis of the Missing and Murdered

Article by Melinda Janko

Photos by Deziree Rossborough

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Proverbs 31:9

“Speak up, judge righteously, and defend the cause of the oppressed and needy.”

They are the heart and soul of a nation, a forgotten people, and the first inhabitants of the most powerful country in the world. Before the arrival of the early colonists, the Indigenous population of the United States numbered 16 to 17 million. Today, according to the most recent U.S. Census Bureau, Indigenous Americans number 6.79 million. Yet, despite being a small minority, they represent the highest per capita numbers of those who fight to defend the United States in military service.

Ironically, however, there are few defenses for the safety of Indigenous women. They are 10 times more likely to be murdered than any other group of women in the U.S., and two out of three will be raped in their lifetime. Native women talk to their daughters about what to do when they are sexually assaulted, not if they are sexually assaulted, but when. In addition, missing Native women are the only group of women in the U.S. that are unaccounted for by the federal government.

I first became aware of this silent crisis when I was traveling through Indian Country screening my film, *100 Years: One Woman's Fight for Justice*, about Elouise Cobell. Cobell, a Blackfeet Indian Warrior and banker, filed the largest class action lawsuit ever against the U.S. Government and won a \$3.4 billion settlement for 300,000 Native families whose mineral rich lands were grossly mismanaged by the government. When I discovered this story, I had never set foot on an

Indian reservation and I didn't know any Indigenous people, but I couldn't get this story out from under my skin. Native families, with oil wells pumping 24/7 on their lands were living in abject poverty without the bare necessities of life! This injustice had been going on for over 100 years and few Americans knew about it.





Photo: Deziree Rossborough, Ransom Ltd.

I was so outraged by the injustice, I vowed to bring this story to the world. Shocked, I thought, “*How is this possible and why isn’t it front-page news?*” I simply couldn’t turn and look the other way, so I decided to venture into an unknown area hoping to shed light on a grave injustice. Little did I know it was just the beginning of my journey into Indian Country. I spent the next 14 years there.

While I was on the film circuit with *100 Years*, I’d visit the trade show booths and browse the Indigenous jewelry, books, clothing and other cultural items. At one small booth I noticed flyers with pictures, names and dates of missing Indigenous women and girls. But there was no one at the booth. I wondered, “*What’s happening to these women? Don’t they have Amber Alerts, police dragnets, television news coverage, helicopter rescues, and organized search teams?*” It took me little time to learn that, in Indian Country, the answer was an emphatic “No.” And that’s how I learned about the silent crisis of missing and murdered Indigenous women and girls, (MMIWG), a crisis that, unfortunately, is not new to Indian Country.

The fact is, this crisis has been going on for over 500 years. Pocahontas was only 17 when she was abducted by Captain Samuel Argall in Jamestown in 1613. Five hundred years later the numbers are astronomically high. The National Crime Information Center reports 5,712 missing Native American women in 2016 alone – yet reliable, comprehensive data on the problem is still almost impossible to come by because when a Native woman is murdered there is no classification for Native on the death certificate, they are classified as “white” or “other.” Yet, as Tami Ruett Jerue, Executive Director of the Alaska Native Women’s Resource Center said, “*We all know someone who is missing or murdered.*”

In my quest to learn more, I discovered that prior to the mass Euro-American invasion, sexual violence was virtually nonexistent in traditional Indigenous families and communities. To harm another being in this way was akin to committing the same violation against the spirit world. In Lakota culture, “*the woman owned her body and all the rights that went with it.*” And according to the Mvskoke Indian Nation, “*What she say, it be law.*”

Most Indigenous Tribes are matriarchal giving the women the spiritual, political, and economic power that European women did not share. Up until the mid-twentieth century, most state systems only criminalized rape when the victim was a white woman. Indigenous women and women of color were left with no recourse in their pursuit of justice.



Photo: Deziree Rossborough, Ransom Ltd.

Then in 1978, the unthinkable happened. The Supreme Court's Oliphant decision ruled that non-Indians were not subject to tribal prosecution for criminal offenses. Such action stripped Tribes from their rights to protect their people from violence committed by non-Indians. Over 50 percent of the people living on reservations are non-Indians. The Oliphant ruling resulted in a tremendous increase in the violence against Native women that has grown exponentially.

"Our women are open game," said Deborah Blossom of the Western Shoshone, acting director of the Great Basin Women's Coalition Against Violence. *"So many are violated and they tell us no one will do anything."*

The Toll On Families

A few days before May 5th, 2021, the Annual Missing and Murdered Indigenous Awareness Day, family members gathered to remember Daisy Mae Heath, a member of the Yakama Nation, who went missing in August of 1987 at the age of 29. Daisy loved to play basketball and softball, where she excelled. Basketball was her favorite sport and competing against her was *"challenging,"* as her sister Patsy would say. *"Daisy was a fighter who battled for every point. She was an All-Star and an MVP,"* she said. *"One day, I was sitting on the street curb talking to her about God,"* her sister, Deanna Condon said. *"The next day she was gone. I really miss her."* Daisy had left home to visit friends on the reservation, as she often did, but that day she failed to return home in White Swan. Her backpack, key and a ring were found in a remote area of the Yakama Reservation known

as Soda Springs. The FBI described her disappearance as a suspected homicide.

The recent gathering of sisters and relatives was to remember Daisy 30 years after her disappearance. Her family had grown older, some members were deceased. I remember meeting one of Daisy's sisters when I was in Portland, Oregon at a Native conference. She stared off into the distance when I was introduced as the filmmaker working on a project about Missing and Murdered Indigenous women. I could feel her pain from five feet away. *"It's hard to put your hands around this issue, particularly if you're a family member. There are different ways people are going to interface with this issue, even within family members,"* Patsy said, *"The loss that people feel, the lifelong grief, anger...once someone has gone missing or was murdered and you don't know what happened."*

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Another one of the stops along the *100 Years* film tour was in South Dakota, where I spoke to students at the American Indian College at Crazy Horse Memorial. After the screening, at the Q&A, one of the students asked me what my next film project was. “*The crisis of missing and murdered Indigenous women and girls.*” I replied. Then I asked them a question. “*How many of you know someone who is missing or murdered.*” One by one they raised their hands. I was shocked to see that more than half of the student body are affected by this crisis. Afterwards, they formed a line to thank me for my visit. They cried, hugged me and told me heartbreaking stories about their missing loved ones.

In 2018, my husband and I traveled to South Dakota to the Pine Ridge Reservation, home of the Oglala Lakota and the Wounded Knee massacre site. Pine Ridge is considered one of the poorest places in America with an unemployment rate of 80%. Along the route, we stopped at a roadside stand where I met a woman from the Elk family who was selling Native

jewelry. I mentioned the MMIW project and she told me about her relative Lavetta Elk. “*Have you ever heard of her?*” she asked. I had not. “*Go look her up,*” she said.

Lavetta Elk grew up on the Pine Ridge Reservation and her long ambition was to join the U.S. Army. She wanted to be the first woman in her family to serve. She requested information from the Army and they sent Staff Sergeant Joseph Kopf to work with her. Lavetta had planned to finish college before enlisting, but Sergeant Kopf informed her there was an opening for a medic position, so she dropped out of school. On December 17, 2002, Sergeant Kopf drove Lavetta to Sioux Falls, where she underwent a physical examination. She passed the exam, or so she thought, and he congratulated her. Then on January 7, 2003, he returned in a marked U.S. government vehicle and informed her that her paperwork had been lost and she needed to come with him to resubmit her height and weight. Only this time, instead of Sioux Falls, he drove her to a remote part of the reservation; where he knew he had impunity, locked his door, and sexually assaulted her. There had been no opening for a medic position and the U.S. Army had never accepted her. Despite the military’s own admission that Sergeant Kopf sexually assaulted Lavetta, both the U.S. government and the military refused to prosecute him. Sergeant Kopf is a free man today.

Unlike other sexual assault victims, however, Lavetta got her day in court. On April 28, 2009, in the civil case Lavetta Elk v. the United States, a federal judge awarded Ms. Elk \$650,000 in damages based on the 1868 Laramie Treaty Bad Men clause that states: “*If bad men among the whites,*

or among other people subject to the authority of the United States shall commit any wrong upon the person or property of the Indians, the United States will reimburse the injured person for the loss.” In his ruling, Judge Francis Allegra noted that the climate of the era in which the Fort Laramie Treaty was signed was one marked by extreme cases of sexual violence against Indigenous women. That same violence continues today.



Photo: Deziree Rossborough, Ransom Ltd.

Resilience

Throughout my travels in Indian Country, I have met a lot of Indigenous women who are fighting for justice. Whenever someone in the community goes missing, they gather to organize search parties; create Facebook posts, care for the families and do whatever it takes to find their missing family members. On a national scale, the women warriors testify before Congress, and march in the streets. At home they hold bake sales to raise funds needed to bring the bodies of the missing and murdered back to their families. They are some of the strongest, most resilient women I have ever known. Malinda Limberhand is one of them.

On July 4th, 2013, Malinda's daughter, Hanna Harris, went missing on the Northern Cheyenne Indian Reservation in Montana. When Malinda reported it to the Tribal Police, she was told, "*She's probably just out drinking somewhere and afraid to come home.*" It's a response often heard from Tribal Police who pay little attention to missing Indigenous women. Malinda knew in her gut something was wrong; Hanna breastfed her son and wouldn't leave him for more than five hours. Immediately, Malinda and her other daughter started their own search for Hanna. Five days later on July 8th, police officers knocked on her door. They found a woman's body in a ditch and wanted to know if Hanna had any identifying tattoos. For two long hours Malinda waited, but in her heart she knew it was Hanna. Police confirmed it was Hanna's brutally beaten body, and that she had been sexually assaulted.

Broken, but undeterred by police inaction, Malinda kept up the pressure. In March of 2014, after Malinda tracked down the killers, Eugenia Rowland and Garrett Wadda were found guilty. On the day of the sentencing Malinda told the victims, "You threw away my daughter like she was a piece of trash." Soon, victims and women's advocates from all over the U.S. and Canada joined her. Because of Malinda's efforts, May 5th was declared the annual Missing and Murdered Indigenous Awareness Day in Montana and today it is a National Day of Awareness. On April 18, 2019, because of the perseverance of Malinda Limberhand, Hanna's Act was passed by the Montana Legislature to create a special position in the state Department of Justice that would investigate all missing persons cases in Montana.

In the three years I have been researching this crisis, I have met with the grandmothers, the mothers, the sisters, the daughters, and the aunties of the missing women. I have met with the prayer runners, the marchers, the policy makers, and the powerful MMIW women's organizations from all over the country.

Two years ago I met a Prayer Runner, Teyana Viscarra. In many tribal traditions Prayer Runs are ceremonial ways of honoring and offering prayers, especially for Protection and Healing. Teyana has been actively engaged in the MMIW crisis since August 1, 2017 after Savannah Le Fontaine Greywind, of the Spirit Sioux Lake Tribe, an eight-month pregnant, 22 year old woman went missing. She was later found murdered and pulled from the Red River. Her baby was stolen from her womb.

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Since then, 134 bodies of Indigenous women have been found in the Red River and thousands more have gone missing. For the past three years Teyana has been waking at the break of dawn to run the Sacred Mountains to pray and create sacred altars to the women who are missing. She runs not with the hope of winning a marathon or a medal, but as a messenger, with the hope that through her efforts, the missing women will be found.

The Devastating Supreme Court Ruling

With the passage of the 1978 Supreme Court's Oliphant ruling, the jurisdictional issues of murder on the reservation are murky and often lead to no action at all on the part of the Department of Justice, which is charged with overseeing such crimes. In fact, if felonies like murder, rape, and kidnapping happen on tribal lands, the Department of Justice is

supposed to prosecute—but it often doesn't. In recent years, the Department of Justice has pursued prosecution in only about half of murder cases on reservations and in a little over a third of the cases of sexual assault.



Photo: Deziree Rossborough, Ransom Ltd.

One such example of the Department of Justice's failure is Lindsay Whiteman. On October 31, 2018, two non-Indians, Esandro Rodriquez and Ernestor Lopez, murdered Lindsay, a citizen of the Blackfeet Nation, on the Blackfeet Reservation in Montana. Lindsay and another Blackfeet woman, Amy Sue Whitegrass, were riding in a car with Rodriquez and Lopez when one of the boys shot Amy, point-blank in the head. When Lindsay attempted to prevent them from driving away, they brutally hit and killed her with the vehicle and drove off. The two teenagers fled to Great Falls, Montana, where they were arrested, but no charges of any kind have ever been filed against them. Finally after two years of grievous silence, the family of Lindsay Whiteman got a call from the FBI; but it wasn't what they expected. It was only to inform them that they were dropping off the clothes that Lindsay was wearing the day she died. "*For years we have asked the FBI to talk to us,*" states Lindsay's Mother, Erlina Old Person. "*We asked them to investigate the two individuals we know killed Lindsay, and we asked them to talk to us. They think their job is done. But it has not even begun. My daughter deserves justice, and I will not stop until justice is served,*" said Erlina Old Person.

In sharp contrast to the Lindsay Whiteman story is the Chelsea King story. On February 27, 2010, Chelsea, a high school senior from Poway, California went running alone, near Lake Hodges. Hours later, she failed to return home. I remember getting a call from my friend as I was driving to Los Angeles, "*Have you heard about Chelsea King?*" she asked. I had heard the TV news that morning. "*They're forming search parties, passing out flyers, police crews are on the ground and helicopters are searching the*

area where she went running.” she said. An extensive search effort was organized to find Chelsea King. Tragically, Chelsea’s body was found six days later in a shallow grave, 10 feet from the shore of Lake Hodges. Two days later, police arrested John Albert Gardner III, a convicted sex offender, whose DNA was found on Chelsea’s clothing. Gardner was later sentenced to life in prison for the murder of Chelsea King. There is no sentencing for a non-Native person who murders a Native woman.



In 1994 The Violence Against Women's Act (VAWA) was passed in Congress and signed by President Bill Clinton. One of the greatest successes of VAWA was its emphasis on a coordinated community response to domestic violence, sex dating violence, sexual assault, and stalking. Courts, law enforcement, prosecutors, victim services, and the private bar currently work together in a coordinated effort that did not exist before at the state and local levels. In 2013, under President Barack Obama, Congress gave Native women a sliver of hope when a key amendment affirming inherent tribal criminal jurisdiction over non-Indians committing domestic violence, dating violence, or certain violations of protection orders on tribal lands, known as the Special Domestic Violence Criminal Jurisdiction (SDVCJ) was passed.

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In 2021, President Joe Biden announced his commitment to building on the successes of the 2013 reauthorization of the Violence Against Women Act (VAWA) by supporting the passage of the VAWA Reauthorization of 2021. Among other protections, this bill reaffirms inherent Tribal authority to prosecute certain non-Indian offenders — extending protections from domestic violence and dating violence to Native American victims of sexual violence, stalking, trafficking, child abuse, elder abuse, and assault against law enforcement or justice personnel when crimes are committed on Tribal territory. The House has passed the VAWA Reauthorization of 2021. It is now waiting for a vote in the Senate.



While the Violence Against Women Act (VAWA) brings much hope for a broader path towards justice for Indigenous women, a reversal of the 1978 Supreme Court's Oliphant ruling that stripped Tribes of their rights to prosecute non-Indians who commit crimes on the reservations is needed. That action alone would help end the silent crisis of missing and murdered Indigenous women and reclaim the sacred value of their women.

“A Nation is not conquered until the hearts of its women are on the ground. Then it is finished; no matter how brave its warriors or how strong their weapons.”

Cheyenne Proverb

Melinda's next project is Women are Sacred: Missing and Murdered, a documentary film series, social impact campaign and lobbying campaign to raise awareness and affect change for Indigenous women/girls.

www.womenaresacredcampaign.com



Melinda Janko

Director/Producer/Writer

Melinda is the President of Fire in the Belly Productions, Inc., a company whose mission is to “make films that make a difference,”

She is an award-winning documentary filmmaker who made her Directorial Debut in 2016, with the release of 100 Years: One Woman’s Fight for Justice, about the Presidential Medal of Freedom recipient Elouise Cobell, a Blackfeet

Indian who won the largest class action settlement award against the U.S government in history. The film won multiple awards, was broadcast on PBS World Channel, America ReFramed and streamed for two years on Netflix. 100

Years is taught in public schools in 25 states and in over 200 colleges and universities around the world.

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Carlsbad, California
info@nationsmedia.org

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